

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BOBBY GUTIERREZ, as Personal
Representative of the Estate of Robert P.
Gutierrez,

Plaintiff,

vs.

No. 1:21-cv-00073-KWR-SCY

UNI TRANS, LLC, and OTABEK
SAYDIEV,

Defendants.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION AND
DISMISSING DEFENDANT OTABEK SAYDIEV**

THIS MATTER is before the Court on United States Magistrate Judge Steven C. Yarbrough's September 22, 2021 Proposed Findings and Recommended Disposition ("PFRD"). Doc. 74. Judge Yarbrough recommends dismissing Defendant Otabek Saydiev from this case without prejudice for failure to serve him in the nine months this case has been pending or to propose a plan for executing service. *Id.* Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* at 3. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court **CONCURS** with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. The Court **ADOPTS** Judge Yarbrough's Proposed Findings and Recommended Disposition, Doc. 74; and

2. Plaintiff's claims against Defendant Otabek Saydiev are **DISMISSED WITHOUT PREJUDICE.**

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE